

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CONSERVIT, INC.,	:	CIVIL ACTION NO. 1:14-CV-0296
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
DEIMLER'S RECYCLING, INC., and	:	
GREG A. DEIMLER,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 23rd day of September, 2014, upon consideration of the motion (Doc. 6) of defendants Deimler's Recycling, Inc., ("Deimler's Recycling"), and Greg A. Deimler (collectively "defendants"), to dismiss the complaint (Doc. 1) of plaintiff Conservit, Inc., ("Conservit"), pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion (Doc. 6) is GRANTED to the extent it seeks dismissal of Count III of Conservit's complaint. The motion (Doc. 6) is DENIED in all other respects.
2. Count III of Conservit's complaint (Doc. 1) is DISMISSED without prejudice. Conservit is GRANTED leave to amend Count III of its complaint to cure the deficiencies identified in the accompanying memorandum within fourteen (14) days of the date of this order. If Conservit fails to file an amended pleading within that time, Count III shall be dismissed with prejudice.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania